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*Attorneys for Defendant
JetBlue Airways Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

MARILYN PARVER,

Plaintiff,

vs.

JET BLUE AIRLINES CORPORATION;
CITY OF LAS VEGAS; LAS VEGAS
METROPOLITAN POLICE DEPARTMENT;
OFFICER MAURICE RODRIGUEZ-
GALLAR OF THE CITY OF LAS VEGAS;
OFFICER JOHNATHAN ANKENY OF THE
CITY OF LAS VEGAS; FAWN DOE, OF JET
BLUE AIRLINES FLIGHT NO. 129;
CAPTAIN DOE OF JET BLUE AIRLINES
FLIGHT NO. 129; DISPATCHER DOE OF
JET BLUE AND AGENT DOE, A LAS
VEGAS AIRPORT AGENT OF JET BLUE
AIRPORT AGENT,

Defendants.

CASE NO. 2:10-CV-01186-GMN-RJJ

**ORDER GRANTING DEFENDANT JETBLUE AIRWAYS CORPORATION'S MOTION
TO LIMIT THE TESTIMONY OF PLAINTIFF'S EXPERT, THOMAS STREED, Ph.D.**

On September 27, 2013, a hearing was held in which this Court considered Defendant JetBlue Airways Corporation's (incorrectly named as Jet Blue Airlines Corporation in caption) Motion to limit the testimony of Plaintiff's expert, Thomas Streed, Ph.D. (Document #39). William Helfand, Esq. appeared on behalf of Plaintiff, Thomas Dillard, Esq. appeared on behalf of

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1 Las Vegas Metropolitan Police Department, et al., and Carol Michel, Esq. appeared on behalf of
2 JetBlue Airways Corporation ("JetBlue").

3 In its Motion, JetBlue contends that the testimony of Plaintiff's expert, Thomas Streed,
4 Ph.D., should be limited because he has no training, experience or special knowledge concerning
5 the procedures or rules and regulations that govern aboard an in-flight aircraft. JetBlue also argues
6 that Mr. Streed's opinions included in his report regarding the actions of JetBlue are based on
7 nothing other than his subjective, personal experiences in police procedure and tactics, which are
8 not sufficient to qualify him as an expert in every issue relevant in this matter. Consequently,
9 JetBlue argues that Mr. Streed should not be permitted to opine regarding the actions any of the
10 JetBlue employees took during the alleged incident with Plaintiff. JetBlue specifically identified
11 those opinions of Mr. Streed about JetBlue and its employees it seeks to preclude in Exhibit 10 to
12 its Motion.

13 Plaintiff's position is that JetBlue's request to limit Mr. Streed's testimony is too broad.
14 Plaintiff represents that she has no intention to elicit opinions from Mr. Streed regarding flight
15 operations, Federal Aviation Administration regulations or other anything else regarding airline
16 operations. Plaintiff contends, however, that Mr. Streed's testimony in its entirety is necessary
17 because of JetBlue's alleged actions under color of law of the state and alleged willful participation
18 with the officers.

19 Having carefully considered the facts of this case, the current state of the evidence, all the
20 pleadings and papers on file, all submissions of the parties and the oral arguments presented by
21 counsel at the hearing, all of which are expressly incorporated herein, the Court **FINDS**:


22 Mr. Streed, has no training, experience or special knowledge concerning the aviation
23 procedures, rules and regulations that govern an in-flight aircraft. He also has no training,
24 experience or special knowledge regarding the education, training or supervision of flight crew or
25 cabin personnel including the pilots and flight attendants. He has not worked for, consulted for or
26 been an expert for any commercial airline or agency associated with air transportation. Thus, Mr.
27 Streed is not permitted to opine regarding the actions any of the JetBlue employees took during the
28 alleged incident with Plaintiff. He is also not permitted to testify in regard to training or

1 supervision of the pilots or flight attendants.

2 Additionally, all of Mr. Streed's opinions regarding the credibility of any of the JetBlue
3 crewmembers are prohibited because credibility should be left for the jury to decide after hearing
4 all of the relevant evidence.

5 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
6 Defendant JetBlue Airways Corporation's Motion to limit the testimony of Plaintiff's expert,
7 Thomas Streed, Ph.D. is **GRANTED**. Thomas Streed, Ph.D.'s stated qualifications and experience
8 do not sufficiently support the opinions he has presented in his provided report, therefore, all
9 opinions of Mr. Streed regarding JetBlue, including those set forth in Exhibit 10 to JetBlue's
10 Motion, are excluded.

11 **IT IS SO ORDERED** this 17th day of October, 2013.

12 
13
14 _____
15 Gloria M. Navarro
16 United States District Judge

17 Submitted by:

18 /s/ Carol P. Michel
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26 *JetBlue Airways Corporation*

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